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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

EMPLOYEE PAINTERS' TRUST; NORTHERN  
NEVADA PAINTERS AND ALLIED TRADES  
JOINT APPRENTICESHIP AND TRAINING  
TRUST FUND, each acting by and through its  
designated fiduciary, Todd Koch; and  
INTERNATIONAL UNION OF PAINTERS AND  
ALLIED TRADES INDUSTRY PENSION  
TRUST FUND, acting by and through its  
designated fiduciary, Gary J. Meyers,

Plaintiffs,

v.

SIMAS FLOOR COMPANY, INC., a Nevada  
Corporation; GAIL SIMAS WARD, an Individual;  
GREAT AMERICAN INSURANCE COMPANY,  
a foreign corporation; SIMAS FLOOR CO, INC., a  
California Corporation doing business as ROBERT  
SIMAS FLOOR CO.; JAMES EDWARD SIMAS,  
an Individual and Sole Proprietor doing business as  
J.E. SIMAS FLOORS; CARMICHAEL FLOOR  
COMPANY, a foreign corporation; PLATTE  
RIVER INSURANCE COMPANY, a foreign  
corporation; BISON CONSTRUCTION, a Nevada  
Corporation; BROWN CONSTRUCTION, INC., a  
foreign corporation; GLEN/MAR  
CONSTRUCTION, INC., a foreign corporation; K-  
W WESTERN, INC., a Nevada Corporation; K7  
CONSTRUCTION, INC., a Nevada Corporation;  
FRANK LEPORI CONSTRUCTION, INC., a  
Nevada Corporation; PELLETT  
CONSTRUCTION, LLC, a Nevada limited liability  
company; SUNSERI CONSTRUCTION, INC., a  
foreign corporation; WESTERN SURETY  
COMPANY, foreign corporation; TRAVELERS

Case No.: 2:12-CV-00848-KJD-VCF

**NOTICE AND ORDER OF  
VOLUNTARY DISMISSAL OF  
DEFENDANT TRAVELERS  
CASUALTY AND SURETY  
COMPANY OF AMERICA  
WITHOUT PREJUDICE AS TO  
ITS SURETY BOND WITH  
BISON CONSTRUCTION, BOND  
NOS. SP8641 AND SP8617, ONLY  
[FRCP 41(a)(2)]**

CASUALTY AND SURETY COMPANY OF  
AMERICA, a foreign corporation; MYRON  
MARTIN, an Individual; RHONDA MARTIN, an  
Individual; THOMAS PELLETT, an Individual;  
SABRINA PELLETT, an Individual; JOHN DOES  
I - X; and ROES ENTITIES, I-X,

Defendants.

The above-named Plaintiffs, acting by and through their counsel, Christensen James &  
Martin, pursuant to FRCP Rule 41(a)(2), do hereby dismiss its claims in the above-entitled action  
without prejudice as against Defendant TRAVELERS CASUALTY & SURETY COMPANY  
OF AMERICA as to surety bonds numbered SP8641 and SP8617, only, issued to Bison  
Construction.

DATED this 13th day of August, 2012.

CHRISTENSEN JAMES & MARTIN

By: /s/ Sara D. Cope  
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IT IS SO ORDERED.

Dated this 17<sup>th</sup> day of Sept., 2012.

  
DISTRICT COURT JUDGE